

Patent
Attorney's Docket No. 033048-025

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Raymond SUORSA

Application No.: 09/699,350

Filed: October 31, 2000

For: AUTOMATED PROVISIONING
FRAMEWORK FOR INTERNET
SITE SERVERS

Group Art Unit: 2185

Examiner: Nitin C. Patel

Confirmation No.: 8639

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AMENDMENT

Technology Center 2100

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated September 2, 2003, Applicant respectfully requests reconsideration and withdrawal of the rejection of the claims.

All pending claims were rejected under 35 U.S.C. §103, on the grounds that they were considered to be unpatentable over the *Woundy* patent (U.S. 6,023,464) in view of the *Nakagawa et al.* patent (U.S. 5,835,911). As discussed hereinafter, it is respectfully submitted that it would not be obvious to combine the teachings of these two patents, since they are directed to entirely disparate fields of endeavor. Furthermore, even if the teachings of the two references could somehow be combined, they still fail to teach the claimed invention to a person of ordinary skill in the art. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

The Office Action states that the *Woundy* patent discloses a system and method of auto-provisioning of user terminals for a wide band cable data distribution

network. It is to be noted, however, that the *Woundy* patent utilizes the term "provisioning" in an entirely different manner from the context of the present invention. More particularly, the *Woundy* patent is directed to internet cable services, in which an individual subscriber's computer is connected to a data distribution network by means of a cable modem. In order for the user to access data over the network, his or her computer and cable modem must be registered with the network. In the context of the *Woundy* patent, the term "provisioning" refers to the act of "registering user terminals for authorized access to the network." (See column 1, lines 7-9). In essence, with reference to Figure 1 of the patent, the active provisioning involves storing in an LDAP directory 22 an association between information regarding a user and the identification of the user's cable modem. (See column 3, lines 41-52).

In contrast, in the context of the present invention, the term "provisioning" refers to the process by which a computing device is provided with the software that is necessary for the device to perform the functions assigned to it, e.g. a web server, and the subsequent configuration of that software to optimize its operation for those functions. See, for example, page 2, lines 17-20. In other words, "provisioning" refers to the procedure via which a computing device is set up to provide a particular type of service.

In recognition of this distinction between the objectives of the *Woundy* patent and those of the present invention, the Office Action states:

Woundy does not teach storing of a description of software components installed on a device [user terminal] and configuration parameter values for the software components. In summary, Woundy does not teach auto-provisioning software components of user terminals.

To this end, therefore, the rejection relies upon the *Nakagawa et al.* patent. However, this patent is directed to an entirely different field of endeavor. More particularly, as set forth in column 1, lines 13-19, the patent is directed to "a software distribution and maintenance system...with which a software vendor can provide a number of users with the software over a network, and update and maintain the software at requests of the users." In other words, the *Nakagawa* patent is directed to a system by which software vendors can provide the latest versions of their software to a large population of users, and which enables the users to manage software that is obtained from a number of different vendors. It does not, however, relate to the automatic provisioning of a computer to enable it to perform a selected set of services or functions.

The Office Action alleges that it would be obvious to combine the teachings of the *Woundy* and *Nakagawa* patents "because both are related to solve the problems in automatically provisioning of computing devices over network..." First, it is not apparent from the Office Action *how* the references would be combined. The Office Action does not indicate which teachings of the *Nakagawa* patent are to be applied to the system of the *Woundy* patent, or vice-versa.

Second, and perhaps more importantly, it is respectfully submitted that it would not be obvious to combine these two references at all. Contrary to the assertions set forth in the Office Action, *neither* of the references is directed to the automatic provisioning of computing devices over a network, as that term is employed in the context of the present invention. The *Woundy* patent is only concerned with *registering* a user's cable modem and computer in a directory. The *Nakagawa* patent is directed to the *delivery* of software products to end users.

There is no apparent relationship between these two references that would lead a person of ordinary skill to combine their teachings in any manner.

For at least this reason, therefore, it is respectfully submitted that the rejections should be withdrawn. If the rejection is maintained, the Examiner is respectfully requested to identify the manner in which the teachings of one of the references is to be applied to the other reference, and the suggestion in the references to combine them in such a manner.

Furthermore, even if the teachings of the two references could somehow be combined, it is respectfully submitted that the result of such a combination would not lead a person of ordinary skill in the art to the claimed invention. For example, each of claims 1 and 17 recites a method which includes the step of "storing a model for each type of device in a database, said model including a description of software components installed on a device." Claim 1 further recites that the model also includes "configuration parameter values for the software components."

The concept of storing a model containing such data is not addressed in the rejection of the claims. More significantly, neither of the references discloses such a concept. The *Woundy* patent is only concerned with registering information about a user in a directory. As such, it is no need to store a model which describes the software components installed on a device. In the case of the *Nakagawa* patent, software is uploaded to a user in response to a request from the user. Again, there is no need in a system of this type to store a model describing software components installed on the user's device. In other words, since the system responds to requests from users, it does not need to have *a priori* knowledge of the software resident on the user's computer.

Accordingly, it is respectfully submitted that neither of the cited references, nor any possible combination of their teachings, discloses the concept of storing a model for a device which includes a description of software components installed on the device, nor configuration parameter values for the software component. Consequently, the references cannot be deemed to suggest at least this feature of the claimed subject matter to a person of ordinary skill.

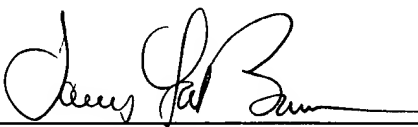
In addition to this fundamental distinction between the claimed invention and the prior art references, the claims recite a number of other distinguishing features of the invention. In view of the patentable differences described above, discussion of these additional distinctions is not believed to be necessary at this time.

For the foregoing reasons, it is respectfully submitted that it would not be obvious to combine the teachings of the *Woundy* and *Nakagawa* patents. Furthermore, neither of the references discloses the features recited in independent claims 1 and 17. Consequently, any possible combination of their teachings would not lead a person to the claimed subject matter.

Reconsideration and withdrawal of the rejection, and allowance of all pending claims is respectfully requested.

Respectfully submitted,

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